

AMENDED IN ASSEMBLY APRIL 27, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 912

Introduced by Assembly Member Torres

February 26, 2009

~~An act to amend Sections 41030 and 41136 of the Revenue and Taxation Code, relating to emergency telephone systems, to take effect immediately, tax levy. An act to amend Section 41136 of the Revenue and Taxation Code, relating to emergency telephone systems.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 912, as amended, Torres. Telecommunications: Emergency Telephone Users ~~Surcharge Act. Surcharge.~~

~~(1) Existing provisions of the Warren-911-Emergency Assistance Act establishes the number "911" as the primary emergency telephone number of use in the state. The existing Emergency Telephone Users Surcharge Act generally imposes a surcharge on amounts paid by every person in the state for intrastate telephone service and is imposed at a percentage rate, not less than 0.5% nor more than 0.75% that is annually estimated to provide revenues sufficient to fund "911" emergency telephone system costs for the current fiscal year.~~

~~This bill would increase the percentage rate range to not less than 0.5% nor more than 1%.~~

~~(2) Existing~~

~~Existing law establishes the State Emergency Telephone Number Account in the General Fund, pursuant to which funds derived from a surcharge imposed on amounts paid by every person in the state for intrastate telephone communication service may be appropriated by the Legislature for specified purposes, including costs of administering,~~

operating, and maintaining the state “911” emergency telephone number system.

This bill would provide that a minimum of 50% of the funds in the State Emergency Telephone Number Account shall be allocated for those specified purposes and costs. This bill would ~~also provide that authorize the Department of General Services to approve~~ a maximum allocation of 25% of the funds in the State Emergency Telephone Number Account ~~may be allocated to the Office of Emergency Services~~ to pay primary Public Safety Answering Points for costs associated with receiving and routing enhanced “911” calls, including *a one-time payment for personnel costs*, as specified.

~~(3) This bill makes legislative findings and declarations regarding the Warren-911-Emergency Assistance Act and the increase in the volume of, and the increase in the costs associated with, “911” calls.~~

~~(4) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.~~

~~(5) This bill would take effect immediately as a tax levy.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Warren-911-Emergency Assistance Act establishes the
- 4 number “911” as the primary number of use in this state.
- 5 (b) The Emergency Telephone Users Surcharge Act generally
- 6 imposes a surcharge on amounts paid by every person in the state
- 7 for intrastate telephone service and is imposed at a percentage rate
- 8 range, established in 1980, of between one-half of 1 percent and
- 9 three-quarters of 1 percent. This surcharge is annually estimated
- 10 to provide revenues to fund “911” emergency telephone system
- 11 costs for the current fiscal year. The rate range has remained
- 12 unchanged since 1980.
- 13 (c) In 2005, there were over five million “911” calls, over eight
- 14 million “911” calls in 2006, and an estimated 12 million “911”
- 15 calls in 2007. This increase represents an 119 percent increase in
- 16 “911” calls over those past two years alone. The Department of

1 the California Highway Patrol, a Public Safety Answering Point,
2 receives approximately 750,000 “911” calls monthly at its 24
3 answering points statewide.

4 (d) This rapid increase has made it difficult for Public Safety
5 Answering Points, including the Department of the California
6 Highway Patrol, to meet the 10-second answering guideline
7 recommended by the National Emergency Number Association
8 and accepted by the industry, potentially affecting the safety and
9 well-being of “911” callers.

10 (e) “911” call volumes continue to grow and additional
11 personnel with the appropriate training and skills, including
12 language skills, is needed to meet the 10-second answering
13 guideline.

14 (f) The current rate range, established in 1980, has not been
15 adjusted to reflect the increase in costs in receiving and routing
16 “911” calls associated with the increase in the volume of “911”
17 calls in the state.

18 ~~SEC. 2. Section 41030 of the Revenue and Taxation Code is~~
19 ~~amended to read:~~

20 ~~41030. The Department of General Services shall determine~~
21 ~~annually, on or before October 1, a surcharge rate that it estimates~~
22 ~~will produce sufficient revenue to fund the current fiscal year’s~~
23 ~~911 costs. The surcharge rate shall be determined by dividing the~~
24 ~~costs, including incremental costs, the Department of General~~
25 ~~Services estimates for the current fiscal year of 911 plans approved~~
26 ~~pursuant to Section 53115 of the Government Code, less the~~
27 ~~available balance in the State Emergency Telephone Number~~
28 ~~Account in the General Fund, by its estimate of the charges for~~
29 ~~intrastate telephone communications services and VoIP service to~~
30 ~~which the surcharge will apply for the period of January 1 to~~
31 ~~December 31 of the next succeeding calendar year, but in no event~~
32 ~~shall the surcharge rate in any year be greater than 1 percent nor~~
33 ~~less than one-half of 1 percent.~~

34 ~~SEC. 3.~~

35 ~~SEC. 2. Section 41136 of the Revenue and Taxation Code is~~
36 ~~amended to read:~~

37 ~~41136. Funds in the State Emergency Telephone Number~~
38 ~~Account shall, when appropriated by the Legislature, be spent~~
39 ~~solely for the following purposes:~~

1 (a) A minimum of 50 percent of the revenues of the fund as
2 follows:

3 (1) To pay refunds authorized by this part.

4 (2) To pay the State Board of Equalization for the cost of the
5 administration of this part.

6 (3) To pay the Department of General Services for its costs in
7 administration of the “911” emergency telephone number system.

8 (4) To pay bills submitted to the Department of General Services
9 by service suppliers or communications equipment companies for
10 the installation of, and ongoing expenses for, the following
11 communications services supplied to local agencies in connection
12 with the “911” emergency phone number system:

13 (A) A basic system.

14 (B) A basic system with telephone central office identification.

15 (C) A system employing automatic call routing.

16 (D) Approved incremental costs.

17 (5) To pay claims of local agencies for approved incremental
18 costs, not previously compensated for by another governmental
19 agency.

20 (6) To pay claims of local agencies for incremental costs and
21 amounts, not previously compensated for by another governmental
22 agency, incurred prior to the effective date of this part, for the
23 installation and ongoing expenses for the following communication
24 services supplied in connection with the “911” emergency phone
25 number system:

26 (A) A basic system.

27 (B) A basic system with telephone central office identification.

28 (C) A system employing automatic call routing.

29 (D) Approved incremental costs. Incremental costs shall not be
30 allowed unless the costs are concurred in by the Division of
31 Telecommunications of the Department of General Services.

32 ~~(b) (1) A maximum of 25 percent of the revenues of the fund~~
33 ~~to the Office of Emergency Services to pay Primary Public Safety~~
34 ~~Answering Points, which accept wireless enhanced “911” calls~~
35 ~~from within their jurisdiction routed directly to their call centers,~~
36 ~~for costs associated with receiving and routing enhanced “911”~~
37 ~~calls, including personnel costs. The Office of Emergency Services,~~
38 ~~in consultation with the State 911 Advisory Board, shall determine~~
39 ~~the appropriate formula for costs associated with Primary Public~~
40 ~~Safety Answering Points personnel.~~

1 **(b) (1)** *The Department of General Services may approve a*
2 *maximum allocation of 25 percent of the revenues of the fund to*
3 *pay Primary Public Safety Answering Points, which accept wireless*
4 *enhanced “911” calls from within their jurisdiction routed directly*
5 *to their call centers, for costs associated with receiving and routing*
6 *wireless enhanced “911” calls, including a one-time payment for*
7 *costs necessary to recruit and train additional personnel necessary*
8 *to handle the wireless enhanced “911” calls.*

9 **(2)** Funds allocated pursuant to this subdivision shall
10 supplement, and not supplant, existing funding for these services

11 ~~SEC. 4. This act provides for a tax levy within the meaning of~~
12 ~~Article IV of the Constitution and shall go into immediate effect.~~